

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN  
MILWAUKEE DIVISION**

JAMES C. HULCE, *individually and on  
behalf of a class of all persons and entities  
similarly situated,*

Plaintiff,

v.

ZIPONGO, INC. d/b/a FOODSMART,

Defendant.

Case No. 2:23-cv-00159-LA

**JOINT MOTION FOR MODIFICATION OF  
DISPOSITIVE MOTION BRIEFING SCHEDULE**

Plaintiff James C. Hulce (“Plaintiff”) and Defendant Zipongo, Inc. d/b/a Foodsmart (“Foodsmart” or “Defendant”) hereby move for a modification of the briefing schedule for the parties to file their briefs with respect to Defendant’s dispositive motion. The Parties jointly state as follows in support:

1. This case is a putative class action in which Plaintiff alleges violations by Defendant of the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227.

2. Pursuant to the Parties’ joint motion, the Court set a briefing schedule on Defendant’s Motion for Summary Judgment following the close of individual discovery as set forth below:

October 31, 2023	Summary Judgment Motion Due
December 8, 2023	Opposition to the Summary Judgment Motion Due
December 22, 2023	Reply in Support of the Summary Judgment Motion Due

ECF 25.

3. The Parties timely completed discovery and Defendant has diligently worked to prepare its Motion for Summary Judgment. However, Defendant needs an additional few days to receive an executed declaration in support of its Motion for Summary Judgment prior to filing.

4. Accordingly, in light of the intervening Thanksgiving and Christmas holidays, the Parties thus jointly ask the Court to extend the parties' deadlines to file their briefs related to Defendant's dispositive motion as follows:

November 7, 2023	Summary Judgment Motion Due
December 15, 2023	Opposition to the Summary Judgment Motion Due
January 5, 2023	Reply in Support of the Summary Judgment Motion Due

5. This Joint Motion is not offered for the purposes of delay or any other undue purpose. Nor will this joint request prejudice either party. Indeed, both Parties agree to this stipulated modification and believe it will promote the expeditious resolution of this case. *See* Fed. R. Civ. P. 6(b) (stating the Court has power to extend deadlines for good cause)

Accordingly, the Parties jointly request that the Court modify the briefing deadline with respect to Defendant's Summary Judgment Motion as set forth above.

*[Signatures on Following Page]*

Dated: October 31, 2023.

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 31, 2023, I electronically filed the foregoing document in the United States District Court for the Eastern District of Wisconsin, with notice of same being electronically served by the CM/ECF system, to all attorneys of record.

/s/ James M. Ruley  
James M. Ruley